

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Variation to previously approved plans to demolish garages and outbuildings, erect 17 dwellings with associated parking and landscaping and create access road - Reposition and erect additional dwelling to Block G.

LOCATION: Fleur De Lys & Les Bas Courtil, Les Bas Courtils Road, St. Sampson.

APPLICANT: Mr B Roger

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 24/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton - 2037 03.01D, 03.02D, 03.21C, 03.22C, 03.23C & 03.24D.

Application Ref: FULL/2022/2175

Property Ref: B001020000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun on or before 28/02/2025.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/03/2022, issued under planning application reference FULL/2021/0946, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Units 16 & 17 as hereby approved shall not be occupied until a scheme, showing provision for secure and covered cycle parking for each of those units, has been submitted to and agreed in writing by the Authority. None of the units hereby approved shall be used or occupied until the agreed cycle parking for that unit has been fully implemented. The indicated provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

6. Rooflights in the rear (east) elevation of Units 16-18 shall be positioned a minimum of 1.7m above the finished first floor level and shall thereafter be so maintained.

Reason - In the interests of neighbour amenity.

7. The development shall be completed in accordance with the construction methods, and to incorporate all sustainable development features, as shown on the approved plans and specified in the application covering letter dated 2 November 2022.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 28/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2175
Property Ref: B001020000
Valid date: 07/11/2022
Location: Fleur De Lys & Les Bas Courtil Les Bas Courtils Road St. Sampson Guernsey GY2 4BP
Proposal: Variation to previously approved plans to demolish garages and outbuildings, erect 17 dwellings with associated parking and landscaping and create access road - Reposition and erect additional dwelling to Block G.
Applicant: Mr B Roger

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun on or before 28/02/2025.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/03/2022, issued under planning application reference FULL/2021/0946, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Units 16 & 17 as hereby approved shall not be occupied until a scheme, showing provision for secure and covered cycle parking for each of those units, has been submitted to and agreed in writing by the Authority. None of the units hereby approved shall be used or occupied until the agreed cycle parking for that unit has been fully implemented. The indicated provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

6. Rooflights in the rear (east) elevation of Units 16-18 shall be positioned a minimum of 1.7m above the finished first floor level and shall thereafter be so maintained.

Reason - In the interests of neighbour amenity.

7. The development shall be completed in accordance with the construction methods, and to incorporate all sustainable development features, as shown on the approved plans and specified in the application covering letter dated 2 November 2022.

Reason - In the interests of sustainable development.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises land between and to the rear of 'La Bas Courtils' and 'Fleur De Lys', and also to the rear of 'Richmond House' (the latter being a protected building). Development for 17 dwellings has been approved, and work has commenced on site.

The site is located within the Bridge Main Centre Outer Area under the Island Development Plan (IDP). The site abuts Delancey Park (which is designated as a Conservation Area, Important Open Land and also contains an Area of Biodiversity Importance) and Delancey Battery, a protected monument, to the north, and is flanked by residential properties to the east and west.

Relevant History:

FULL/2021/0946 Demolish garages and outbuildings, erect 17 dwellings with associated parking and landscaping and create access road. Approved 01/03/2022

Existing Use(s):

Development site

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:Island Development Plan

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP4 – Conservation Areas

GP5 – Protected Buildings

GP6 – Protected Monuments

GP7 – Archaeological Remains

GP8 – Design

GP9 – Sustainable Development

GP10 – Comprehensive Development

GP18 – Public Realm and Public Art

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance

Strategy for Nature, 2020

Richmond House Development Framework, June 2019

Parking Standards and Traffic Impact Assessment, December 2016

Conclusion/Brief comment:

Permission is sought under this application to make alterations to Block G (Units 16 & 17) of the development approved under FULL/2021/0946. Block G is located immediately to the east of the access road, to the rear of Fleur De Lys. As approved the block comprised a semi-detached pair of two bed dwellings, orientated to face north, with parking to the north and gardens to the south. The current application proposes to reorientate the dwellings to face west on to the service road, and to add

an additional two bed dwelling, increasing the overall number of dwellings on the site to 18. Parking for Units 16 & 17 would be retained to the north, with parking for Unit 18 provided to the south of that unit.

The number of dwellings at the site would remain below the threshold for affordable housing, and the mix and type would remain appropriate, comprising 8no 2 bed dwellings and 10no 3 bed dwellings. The number of dwellings would exceed the indicated maximum number of dwellings for this site set out within the Development Framework, however, subject to meeting the detailed design criteria, this would not in itself cause the application to fail.

The design of the proposed dwellings draws from the overall design approach within the development, and specifically mirrors that of Block A, located on the west of the service road and facing the dwellings as proposed under this application. The dwellings would therefore form part of a coherent and consistent design approach across the site.

The proposed amendments would increase the proximity of the built form to Richmond House to the south-east, but would not result in any significant additional impact on the setting of that protected building.

The dwellings would be of reduced height over the approved Block G and would not therefore have any impact on sightlines from the Delancey Battery.

The dwelling layout mirrors that approved for Block A under the previous permission and that earlier submission set out how consideration had been given to ensuring that the proposed dwellings provide accessible, flexible and adaptable accommodation that will be able to meet the changing needs of future occupants and is satisfactory in relation to proposed Block G.

The application is also supported by information that demonstrates how sustainable development principles have been applied from the outset of the design process, with specific provision being made in this instance for the provision of solar panels, the installation of which can be controlled by way of condition.

The revised proposal would not result in any additional impact on the amenity of adjoining properties in terms of overshadowing or overbearing. The reorientated dwellings would present a blank gable to Fleur De Lys to the south, preventing any overlooking in that direction. To the east, the rear elevation of Unit 16 would face the blank gable of Unit 15, that of Unit 17 would face towards the garden associated with Unit 15 and that of Unit 18 would face towards the north end of the garden associated with Richmond House, all at a distance of c5m. Upper level fenestration is however limited to two rooflights for each unit, serving a bedroom and with a cill height of c1.7m. Taking into account the limited nature of the fenestration, height of the rooflights and the relationship to the surrounding properties, it is not considered that any impacts on neighbour amenity would be sufficient to warrant refusal of the

application. It is however recommended that the rooflight cill height is controlled by condition.

The amenity space associated with the dwellings would be reduced from the approved scheme, however would remain adequate to serve dwellings of the size proposed. The orientation and distance to surrounding properties would prevent any significant impacts on the amenity of the proposed dwellings.

The parking arrangement to the north would remain as approved. The parking to the south would not have any significant visual or road safety impacts and would be in accordance with parking standards. A shed is shown within the amenity space of Unit 18 to provide cycle storage, however no such provision is shown for Units 16 or 17 and provision of such storage should be controlled by condition.

The reorientation of the dwellings would result in the omission of the hedging previously approved along the east side of the service road, however this would not have a significant impact on either visual amenity or the provision of landscaping at the site.

An updated Site Waste Management Plan has been provided.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. The application complies with the requirements of the Framework, purpose of the Law and planning policy.

Recommendation:

Grant with Conditions



Date: 24/01/23

